THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.15801 of 2006

Dated: 31st July, 2006

Between:

A.Yadavulu. **…..PETITIONER**

AND

The Regional Manager, APSRTC,
Medak Region, Medak District
and others. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.15801 of 2006

ORDER:

The petitioner filed this writ petition questioning the action of the respondent Corporation in not regularizing his services from the date of his initial appointment i.e., from 18-5-1991, the day the petitioner joined the corporation as Conductor and declare the same as illegal and arbitrary and consequently direct the respondent to regularize the service of the petitioner by taking his initial date of appointment i.e., 18-5-1991 and grant benefits.

The petitioner on 18-5-1991 joined the respondent corporation as Conductor on daily wages. Thereafter his services were converted as permanent basis by proceeding dated 15-2-1995 and presently he is working at Narayakhed Depot, Medak District. After completion of 240 days the petitioner made an application to the respondents for regularization of his services from the date of his initial appointment i.e., from 18-5-1991, but the respondent issued order regularizing the services of the petitioner from 1-11-1994.

It is the grievance of the petitioner that the respondent corporation instead of regularizing his services from the date of his initial appointment i.e., from 18-5-1991, has regularized his services

from 1-11-1994 though the juniors of the petitioner, namely Sri P.Venkaiah, B.Agamaiah, B.Praveen and J.Sangaiah were regularized with effect from 1-7-1992, and such action of the respondent Corporation is contrary to the law laid down by the apex Court in ***Divisional Manager, APSRTC and others Vs. P.Lakshmoji Rao and others***[1]***.***

Heard the learned counsel for the petitioner as also the learned Standing Counsel for the respondent Corporation and perused the judgment of the apex Court in ***Divisional Manager, APSRTC and others*** supra***.***

It is seen from the judgment supra, the apex Court holding that the respondent-employees have failed to establish their legal right to get the status of regular employees right from the date of their initial appointment on daily wage basis and the respective dates of regularization assigned to the respondents cannot be legally faulted, directed the appellant Corporation therein as under:

> "If any of the Conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them, shall be given the same benefit on the same principle."

The above extracted portion of the judgment of the apex Court makes it clear that it is applicable to the case on hand for the juniors of the petitioner were regularized prior to the regularization of the petitioner. The judgment of the apex Court was followed by this Court in W.P.No.16244 of 1999.

In that view of the matter, the writ petition is disposed of,

directing that in case any conductors, who are appointed on daily wage basis along with the petitioner and are juniors to him have been regularized, the same benefit shall be extended to the petitioner also. An order in this regard shall be passed, within two months from the date of receipt of a copy of this order. No costs.

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(N.V. RAMANA, J.)

Date:31st July, 2006.

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There was an observation by the apex Court that W.P.No.26111 of 1998 was disposed of by the learned Single Judge directing to regularize the services of the employees from the date of initial appointment purportedly following the decision of Division Bench in SRTC Vs. P.T.Rao and others, but in fact there is no concession on merits in that case.

The apex Court while holding that the respondent employees have failed to establish their legal right to get the status of regular employees right fronm the dte of their initial appointment on daily wage basis and the respective dtes of regularization assigned to the respondents cannot be legally faulted, moulded the relief in modifiction of the directions given in the judgments under appeal and directed as under:

[1] 2004 (3) ALD 1 (SC)